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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/441,289	11/16/99	SUHY	A 1-21739

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EXAMINER	
HEWITT II,C	
ART UNIT	PAPER NUMBER
2161	13

DATE MAILED: 06/06/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.	Applicant(s)	
	09/441,289	SUHY ET AL.	
	Examiner	Art Unit	
	Calvin L Hewitt II	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 May 2001* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) _____ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *16 and 21-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15)☒ Notice of References Cited (PTO-892)
16)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
17)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
18)☐ Interview Summary (PTO-413) Paper No(s). _____ .
19)☐ Notice of Informal Patent Application (PTO-152)
20)☐ Other: .

Status of Claims

1. Claims 16 and 21-42 have been examined.

Response to Amendments

2. Applicant's arguments with respect to claim 16 and 21-42 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al., U.S. Patent No. 6,141,629 in view of Huang et al., U.S. Patent No. 5,953.707.

As per claim 16, Yamamoto et al. teach transmitting data to an administrative controller (figures 10-12) that manages and controls maintenance information on all

construction machines (column 9, lines 5-18). Regarding warranties, although not explicitly stated, the Examiner takes Official Notice that it is well known to generate an invoice and warranty upon purchasing an item. Further, their presence is at least implied or obvious, as a warranty is well known means of protecting a consumer against manufacturing errors and defects while an invoice provides "proof of purchase or service". It is also well known that when an owner[say] looks to execute a warranty, the owner will compare the current product defect with the standard found in the warranty in order to verify coverage. An example can be found when a new car owner experiences a defect in the steering after only 10,000 miles. In order to establish financial responsibility the owner will compare the coverage standard with the conditions of the current event [steering defect]. Huang et al. teach report generation based on a predefined set of criteria (column 36, lines 59-63) and where data is compared to a standard (column 36, lines 63-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Yamamoto et al. and Huang et al. The goal of the system of Yamamoto et al. is to reduce machine down time through an improved capital equipment monitoring system. Two important aspects of the system are the central managing computer (column 9, lines 5-10), that controls and manages all maintenance information, and a global network that links the computers and provides for the flow of maintenance information. Building and construction projects are highly coordinated, highly time dependent activities. If a step or task in the construction process is running behind schedule all subsequent tasks will also fall behind resulting in costly

delays affecting not only the consumer but also the construction company regarding future contracts. Equipment failure is a common source of delays. Yamamoto et al. look to avoid such obstacles by continuously monitoring equipment operational data and by distributing this data throughout the company via a global network. Hence, it would have been obvious for a user of the Yamamoto et al. system to use technology as a means of anticipating equipment failure and improving maintenance cycle-time. The automation of such basic maintenance related functions as report and invoice generation, would also logically take place and can be integrated into the system using the invoice generation method of Huang et al.

5. Claims 21-24, 27-35 and 38-42 rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamota et al., U.S. Patent No. 6,141,629.

As per claims 21-24, 27-35 and 38-42, Yamamota et al. teach

- a local controller at a first location that acquires data regarding operating characteristics of an asset (figure 12; column 4, lines 30-50)
- a data acquisition device (column 4, lines 20-29)
- a transmitter (figure 12; column 4, lines 45-50)
- a second controller at an alternative location for data analysis, in particular to determine whether maintenance to an asset has taken place (figure 12, item 20; column 4, lines 44-50; column 9, lines 18-23; column 11, lines 17-23; column 11, lines 49-55; column 12, lines 54-57)

- an electronic communications network between the local controller and second controller (figure 12; column 4, lines 44-50)
- wireless communication between controllers (figure 12)
- an administrative controller that receives data from the second controller (figure 12; column 9, lines 5-18)
- a global communications network that links the second controller and administrative controller (figure 12; column 9, lines 18-23)
- automatic determination as to whether maintenance has been performed on an asset (column 13, lines 4-12)
- a plurality of administrative controllers (figure 12, items 50-60; column 9, lines 5-23)

Yamamoto et al. do not teach automatic determination of whether or not maintenance has been performed at the analysis controller or systematic collation of data to obtain warranty data. Barzilai et al. teach an internet site for obtaining warranty information. In particular, Barzilai et al. use the internet to automatically provide users with suppliers and manufacturers for products and services and identifies the company who will fulfill and correct any warranty problem and its location (column/line 8/49-9/35). Therefore, it would have been obvious for one of ordinary skill in the art to combine the teachings of Yamamoto et al. and Barzilai et al. Regarding the analysis controller, it would have been obvious to one of ordinary skill to allow the analysis controller to perform such a function. Yamamoto et al. teach that the analysis controller is linked via a communication

network to the administrative controller (column 9, lines 18-30) that monitors maintenance related data (column 9, lines 5-18; column 13, lines 4-12). It is also well known that warranties are associated with product maintenance and sale (purchased using the bid, auction and sale system of Barzilai et al.-column 1, lines 48-67). Further, site or local management have been known to possess more detailed knowledge of local events and conditions over remote supervisors. Therefore, by implementing the analysis controller of Yamamoto et al. with such a collating functionality, would lead to improved efficiency and decision-making regarding project time, cost and performance.

6. Claims 25, 26, 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamota et al., U.S. Patent No. 6,141,629 and Barzilai et al., U.S. Patent No. 6,012,045 as applied to claims 21 and 31 above, and further in view of Huang et al., U.S. Patent No. 5,953.707.

As per claims 25, 26, 36 and 37, Yamamoto et al. teach analysis, local and administrative controllers that communicate using wireless and global communication networks and where the administrative controller is configured to manage and control maintenance information (figure 12; column 9, lines 5-35). Barzilai et al. teach an internet site for obtaining warranty information. In particular, Barzilai et al. use the internet to automatically provide users with suppliers and manufacturers for products and services and identifies the company who will fulfill and correct any warranty problem and its location (column/line 8/49-9/35). While Huang et al. teach report generation based

on a predefined set of criteria (column 36, lines 59-63) and where data is compared to a standard (column 36, lines 63-64). Therefore, it would have been obvious for one of ordinary skill in the art to combine the teachings of Yamamoto et al., Barzilai et al. and Huang et al. Building and construction projects are highly coordinated, highly time dependent activities. If a step or task in the construction process is running behind schedule all subsequent tasks will also fall behind resulting in costly delays affecting not only the consumer but also the construction company regarding future contracts. Equipment failure is a common source of delays. Yamamoto et al. look avoid such an obstacle by continuously monitoring equipment operational data and by distributing this data throughout the company via a global network. A corporate website on the internet at the managing computer, where the data is ultimately stored, would provide an obvious focal point for systematic (column 13, lines 7-11) and non-systematic queries regarding the status of capital equipment worldwide. One such non-systematic query would be a consumer or project owner checking on the status of a project or in the event of machine failure who should be contacted. Also by printing out a report, a consumer can then relay to others or present his or her findings at a meeting or conference.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- LoVasco et al. teach a method for registering a warranty for a wireless device

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Calvin Loyd Hewitt II whose telephone number is (703) 308-8057. The examiner can normally be reached on Monday-Friday from 8:30 AM – 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell, can be reached at (703) 305-9768.

Any response to this action should be mailed to"

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C/o Technology Center 2700

Washington, D.C. 20231

or faxed to:

(703) 308-9051 (for formal communications intended for entry)

or:

(703) 308-5397 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Calvin Loyd Hewitt II

May 25, 2001

JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100